D.B. Criminal Parole Writ Petition No.6835/2006
D.B. Criminal Parole Writ Petition No.6541/2006

Date : 09.04.2007

HON'BLE MR. JUSTICE SATYA PRAKASH PATHAK
HON'BLE MR. JUSTICE DEO NARAYAN THANVI

By post.
Mr. V.R. Mehta, Public Prosecutor.

These two petitions have been filed by the petitioner Phool Chand wherein he has sought parole for the reason that he has already undergone 1/4th of the sentence against his conviction for the offence under Section 8/18 of the NDPS Act.

The reply has been filed by the respondent-State mentioning that the petitioner has already undergone sentence of 7 years 8 months and 16 days. A report of the District Collector, Kota, the Superintendent of Police, Kota(Rural) and the order passed by the Director General (Prisons), Jaipur dated 22.03.2007, makes a mention that possibility cannot be ruled out that the petitioner may not commit such crime again. The reasons assigned are based on conjectures and surmises.

Considering all the facts and circumstances of the case, it is directed that the petitioner Phool Chand s/o Dhanna Lal shall be released on parole for a period of 20 days on just and appropriate conditions determined by the Superintendent, Central Jail, Jodhpur to his own satisfaction. The Superintendent, Central Jail, Jodhpur will also give a date for his surrender. A copy of this order may be sent to the convict.

The petitions stand disposed of.

(DEO NARAYAN THANVI), J. **(SATYA PRAKASH PATHAK), J.**